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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,388	03/21/2001	Barry Jones	GB 000092	8837

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/814,388	Applicant(s) JONES, BARRY	
Examiner Beemnet W Dada	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on November 26, 2004. Claims 1-7 have been amended and new claims 8-18 have been added. Claims 1-18 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-7 and 9-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Seth-Smith et al. US Patent 4,890,321 (hereinafter Seth-Smith).

4. As per claims 1, 4-7 and 14, Seth-Smith teaches a method of delivering information services to a display apparatus having the capability of receiving broadcast text (i.e., teletext messages) services, comprising the acts of:

assigning at least one text page to the delivery of said information services [column 3, lines 50-60], receiving information [column 3, lines 53-63],

encrypting the information to include commands for operating on and/or displaying the information on said display apparatus [column 6, lines 53-67, column 17, line 40 – column 18, line 3, and column 18 lines 29-45],

formatting the encrypted information and commands as packet message signals into at least one text page [column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13],

receiving the at least one text page including the encrypted information and commands
[column 16, lines 3-13 and column 17 line 40-column 18 line 3],

decrypting and parsing the packet message signals to recover the commands column 18
lines 29-44 and column 25, lines 41-64], and

using the commands to operate on and/or display information as desired on said display
apparatus [column 18, lines 29-44 and column 32, lines 9-26].

5. As per claims 3, Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches the method wherein the packet message signal includes an information service identifier and in that a display apparatus is enabled by the information service identifier to receive information services transmitted in the at least one text page [column 3, lines 40-53].

6. As per claims 10-13 and 16-18 Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches the display apparatus [figure 1].

7. As per claims 9 and 15, Seth-Smith teaches the system as applied above. Furthermore, Seth-Smith teaches a source of apparatus [figure 1].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seth-Smith et al. US Patent 4,890,321 in view of Wells et al. US Patent 6,078,820 (hereinafter Wells).

10. As per claims 2 and 8, Seth-Smith teaches a method of delivering information services to a display apparatus having the capability of receiving broadcast text (i.e., teletext messages) services [see for example column 3, 50-63]. Seth-Smith further teaches formatting the encrypted information and commands as packet message signals into at least one text page [column 6, lines 53-67, column 18 lines 29-45, column 29, lines 10-17 and figures 10-13]. Seth-Smith is silent on the system wherein the package message signals are formatted as short message service (SMS) signals. However Wells teaches a real-time SMS application message [see Wells abstract] including formatting package message signals as short message service (SMS) signals [see for example column 7, lines 30-36]. Both Seth-Smith and Wells teach transmitting text messages. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Wells within the system of Seth-Smith in order to enable text message processing in short message service.

Response to Arguments

11. Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

April 5, 2005


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100